

R307-115

2. Title: General Conformity.

3. Type of notice: Amend

4. Purpose of the rule or reason for the change:

The purpose of the change is to remove the specific version date for the Code of Federal Regulations (CFR) found in R307-115. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR reference in R307-101-3 is being updated to the July 1, 2007 version. This amendment is part of an overall revision to rules that will streamline the process of updating the incorporation by reference of the CFR throughout R307 (see separate filings on R307-101, R307-170, R307-215, R307-221, R307-222, R307-223, R307-224, R307-310, R307-401, R307-410, R307-417, R307-801, R307-840 in this issue). If requested, a public hearing will be held Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City. If no request for a public hearing is received by 12/14/2007, the hearing will be cancelled. After 12/14/2007, you may go to <http://www.airquality.utah.gov/Public-Interest/Public-Commen-Hearings/Pubrule.htm> or call 801-536-4136 to determine if the public hearing has been cancelled. A request for a public hearing may be submitted by electronic mail to mcaryl@utah.gov or by calling 801-536-4136.

6. Summary of the rule change:

The General Conformity program in 40 Code of Federal Regulation (CFR) Part 93, Subpart B is incorporated by reference into R307-115. The intent of the general conformity requirement is to prevent the air quality impacts of federal actions from causing or contributing to a violation of the NAAQS or interfering with the purpose of a State Implementation Plan (SIP). This amendment removes the specific version date for the CFR in R307-115. The rule will now default to R307-101-3 that establishes the version of the CFR that is incorporated throughout R307. In a separate rulemaking, the version of the CFR reference in R307-101-3 is being updated to the July 1, 2007 version. The following change to 40 CFR Part 93 will be included as the result of the change in R307-101-3. The EPA added de minimis emission levels for PM_{2.5} to the general conformity requirements (See 71 FR 40427 July 17, 2006).

7. Aggregate anticipated cost or savings to:

- a. State budget:** No costs or savings are expected because the cost of DAQ's review are covered by fees paid by applicants.
- b. Local government:** No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable.
- c. To Small Businesses and Other Persons:** Small Businesses: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable. Other Persons: No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable.

8. Compliance costs for affected persons:

No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable.

9. Comments by the Dept head on the fiscal impact the rule may have on businesses:

No adverse economic impact is expected to occur as a result of updating the incorporation by reference of the Code of Federal Regulations, because these provisions are already federally enforceable. (Richard W. Sprott, Executive Director, Department of Environmental Quality)

10. Authorizing statute: 19-2-104

11. Materials incorporated by reference?

40 CFR Part 93, Subpart B

12. Public comment and hearing info: Wednesday, 12/19/2007 at 2:00 p.m. in the Main Conference Room of the Environmental Quality Building located at 150 N 1950 W in Salt Lake City.

13. May become effective on: February 7, 2008

14. Keywords: environmental protection, air pollution, general conformity